

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 29-32, 36-58, 60-64 and 67-82 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilk et al. (WO 93/15648) in view of Hamlin et al. (Re. 36,434) for the reasons set forth in numbered paragraph 3 of the previous Office Action, paper number 20070706.

As previously pointed out, optical fiber (26, Fig.3) was also mentioned as reading on the claimed light source. As previously explained, the shaft (14) fluidly-tightly seals shaft (20), in which the light source (26) is contained. Thus, the image capture device and the light source are mounted at the distal end of the shaft and fluid-tightly sealed from the environment by the shaft so as to be sterilizable for re-use.

3. Claims 1-4, 6-8, 10-28, 33, 34, 65 and 66 rejected under 35 U.S.C. 103(a) as being unpatentable over Wilk et al. in view of Hamlin et al., as set forth above and further in view of Kanno et al. (U.S. Pat. 4,884,133) for the reasons set forth in numbered paragraph 4 of the previous Office Action, paper number 20070706.

There is no evidence in the references or of record that would indicate that using LEDs as the light source instead of the optical fiber will change the fluid-tight nature of the shaft (14). Thus, the rejection is being maintained.

Response to Arguments

4. Applicant's arguments filed January 16, 2008 have been fully considered but they are not persuasive.
5. Applicant amends the claims to include that the image capture device and light source are mounted in the distal end of the shaft and fluid-tightly sealed from the environment by the shaft. It was previously shown that the image capture device and light source are mounted in the distal end of the shaft and sealed from the environment. The alleged difference is that Applicant defines the "sealed" nature as being "fluid-tight" and that such "sealed" nature is caused by the shaft. Both of these features were assumed due to the definition of "sealed" and since it was shown that the shaft was the element that performed the "sealing" feature. Note page 3, first full paragraph to the end of the first full paragraph on page 4 of the Examiner's previous Office Action.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John P. Leubecker whose telephone number is (571) 272-4769. The examiner can normally be reached on Monday through Friday, 6:00 AM to 2:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda C.M. Dvorak can be reached on (571) 272-4764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John P. Leubecker/
Primary Examiner
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jpl